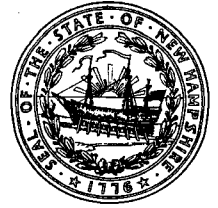




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY

#SP-2004-11

September 15, 2004

Michael Tumblety
16 Kendall Pond Road
Londonderry, NH 03053

RE: DES Wetlands File #2003-02715 16 Lamprey Dr, Nottingham

Dear Mr. Tumblety and Ms. Mettauer:

On July 27, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Nottingham Tax Map 70, Lot 18, Lamprey Drive, Nottingham, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

1. A gravel driveway has been constructed that comes within 50 feet of the Pawtuckaway Lake reference line. In one location, the driveway is approximately 15 feet from the lake.
2. Clearing for construction exceeds the "allowable building envelope" in some areas, and a majority of the site is unstable due to the absence of vegetation.
3. Riprap was placed along approximately 20 linear feet of Pawtuckaway Lake.

DES is aware of the setback limitations on this property, and that a variance was obtained from DES to allow the house to be constructed within the primary building line. However, a variance was not obtained to construct a driveway within 50 feet of the reference line. In fact, Condition #6 of the approved variance states: "All land between the house and the lake shall remain pervious and be stabilized with vegetation".

In response, you are requested to take the following actions:

1. Immediately install and maintain existing siltation and erosion controls, and submit photographs to DES within 7 days of receiving this letter that show this has been completed.
2. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES. The restoration plan should include replacement of native and natural vegetation and modifications to the driveway so that it maximizes the setback from Pawtuckaway Lake to the greatest extent possible. Please submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing;
 - i. existing conditions,
 - ii. proposed conditions after modifications to the driveway, and restoration of all disturbed areas with native vegetation.

- iii. restoration of the shoreline of Pawtuckaway Lake.
 - b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type, and proposed location of plantings. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas where trees were removed.
 - d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A or RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act and a guidance document outlining proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,


COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL # 7002 3150 0001 5411 0787

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Nottingham Conservation Commission
Nottingham Board of Selectmen